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20 **UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 JACOB GREGOIRE,

23 Plaintiff,

24 v.

25 CALIFORNIA HIGHWAY PATROL, an
26 agency of the State of California;
27 SERGIO FLORES, and DOES 1 to 20,

28 Defendants.

CASE NO. 14-cv-1749-GPC (DHB)

Judge: Hon. Gonzalo P. Curiel
Magistrate Judge: Hon. David H. Bartick

**PLAINTIFF'S OBJECTIONS TO
PRETRIAL DISCLOSURES**

29 Pursuant to Rule 26(a)(3)(B) of the Federal Rules of Civil Procedure,
30 Defendants State of California (by and through the California Highway Patrol) and
31 Sergio Flores respectfully submit the following objections to Plaintiff's Pretrial
32 Disclosures:

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A. Exhibits Defendants Expect To Present At Trial

Exhibit #	Description	Legal Objection (see legend) ¹
300.	Audio Recording of February 6, 2014, CHP Interview of Justin Hutton	1
301.	Audio Recording of February 7, 2014, CHP Interview of Autumn Mitchell (previously known as Korri Mitchell)	1
302.	February 8, 2014, Memorandum by Sergeant Hagerty of Interview of Interview of Ms. Mitchell	1
303.	February 10, 2014, Memorandum by Sergeant Hagerty of Interview of Justin Hutton.	1
304.	Audio Recording of February 11, 2014, CHP CIIT Interview of CHP Officer Eliazar Colunga	1
305.	Audio Recording of February 13, 2014, CHP CIIT Interview of CHP Officer Sergio Flores	1

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GROUNDS FOR OBJECTION:		
1.	No objection; admissibility stipulated	2. Unduly time consuming, prejudicial, confusing or misleading (FRE 403)
3.	Cumulative and redundant (FRE 403)	4. Testimony is restricted to the designation (FRE 601; FRCP 26)
5.	Inadmissible opinion (FRE 701-702)	6. As to any captions or notes in or on the photographs (FRE 701, 702 & 802)
7.	Hearsay (FRE 802)	8. Insufficient foundation (relevancy, personal knowledge, authenticity, identity (FRE 901)
9.	Best evidence (FRE 1002)	10. Untimely disclosure (Pretrial Conference representation about witnesses & FRCP 260)
11.	Relates to or is for damages matter (Bifurcation Order)	12.

Exhibit #	Description	Legal Objection (see legend)
306.	Audio Recording of February 19, 2014, CHP CIIT Interview of CHP Officer Sergio Flores	1
307.	Audio Recording of February 11, 2014, CHP CIIT Interview of CHP Officer Albert Udan	1
308.	Audio Recording of February 12, 2014, CHP CIIT Interview of CHP Officer John Concepcion	1
309.	Audio Recording of February 12, 2014, CHP CIIT Interview of CHP Sergeant Nicole Pacheco	1
310.	Audio Recording of February 13, 2014, CHP CIIT Interview of AMR Paramedic Ebert Lara	1
311.	Audio Recording of February 13, 2014, CHP CIIT Interview of AMR Paramedic Nathan Carr	1
312.	Audio Recording of February 17, 2014, CHP CIIT Interview of AMR EMT Britney Campos	1
313.	Audio Recording of February 13, 2014, CHP CIIT Interview of San Diego Fire Department Captain Jesse Conner	1
314.	Audio Recording of February 13, 2014, CHP CIIT Interview of San Diego Fire Department Firefighter John O'Neal	1
315.	Audio Recording of February 26, 2014, Interview of San Diego Fire Department Engineer/Paramedic Firefighter Robert Herman	1

Exhibit #	Description	Legal Objection (see legend)
316.	Mobile Video Audio Recording System (MVARs) recording from Officer Sergio Flores's vehicle for February 4, 2014, incident	1
317.	MVARs recording from Officer Eliazar Colunga's vehicle for February 4, 2014, incident.	1
318.	MVARs recording from Officer Udan's vehicle for February 4, 2014, incident.	1
319.	Critical Incident Investigation Team Report (as produced in discovery with redacted privileged and confidential information)	4, 5, 7,8
320.	Officer Sergio Flores's February 5, 2014, Arrest-Investigation Report (CHP 216) for February 4, 2014 arrest	2, 5, 8
321.	Officer Eliazar Colunga's Traffic Collision Report, 14-02-034, for February 4, 2014, traffic collision, with Udan Narrative Supplemental and CHP 180 Vehicle Report	1
322.	Transcript of Deposition of Jacob Gregoire (and all exhibits attached thereto)	1
323.	Transcript of Deposition of Captain David Albright (and all exhibits attached thereto)	1
324.	Synced Video/Audio of Deposition of Jacob Gregoire	1
325.	Synced Video/Audio of Deposition of Captain David Albright	1
326.	Still photo # 1 from news video of incident	1

Exhibit #	Description	Legal Objection (see legend)
327.	Still photo # 2 from news video of incident	1
328.	Still photo # 3 from news video of incident	1
329.	Still photo # 4 from news video of incident	1
330.	Still photo # 5 from news video of incident	1
331.	Still photo # 6 from news video of incident	1
332.	Still photo # 7 from news video of incident	1
333.	Still photo # 8 from news video of incident	1
334.	Still photo # 9 from news video of incident	1
335.	Still photo # 10 from news video of incident	1
336.	Still photo # 11 from news video of incident	1
337.	Still photo # 12 from news video of incident	1
338.	Still photo # 13 from news video of incident	1
339.	Still photo # 14 from news video of incident	1
340.	Still photo # 15 from news video of incident	1
341.	Still photo # 16 from news video of incident	1
342.	Still photo # 17 from news video of incident	1

Exhibit #	Description	Legal Objection (see legend)
343.	Still photo # 18 from news video of incident	1
344.	Still photo # 19 from news video of incident	1
345.	Still photo # 20 from news video of incident	1
346.	Still photo # 21 from news video of incident	1
347.	Still photo # 22 from news video of incident	1
348.	Still photo # 23 from news video of incident	1
349.	Still photo # 24 from news video of incident	1
350.	Still photo # 25 from news video of incident	1
351.	Still photo # 26 from news video of incident	1
352.	Still photo # 27 from news video of incident	1
353.	Still photo # 28 from news video of incident	1
354.	Still photo # 29 from news video of incident	1
355.	Still photo # 30 from news video of incident	1
356.	Video clip # 1 from news video of incident, with deletion of audio	9
357.	Video clip # 2 from news video of incident, with deletion of audio	9
358.	Video clip # 3 from news video of incident, with deletion of audio	9

Exhibit #	Description	Legal Objection (see legend) ¹
359.	Video clip # 4 from news video of incident, with deletion of audio	9
360.	Video clip # 5 from news video of incident, with deletion of audio	9
361.	Video clip # 6 from news video of incident, with deletion of audio	9
362.	Video clip # 7 from news video of incident, with deletion of audio	9
363.	Video clip # 8 from news video of incident, with deletion of audio	9
364.	Video clip # 9 from news video of incident, with deletion of audio	9
365.	Video clip # 10 from news video of incident, with deletion of audio	9
366.	Video clip # 11 from news video of incident, with deletion of audio	9
367.	Video clip # 12 from news video of incident, with deletion of audio	9
368.	Video clip # 13 from news video of incident, with deletion of audio	9
369.	Video clip # 14 from news video of incident, with deletion of audio	9
370.	Video clip # 15 from news video of incident, with deletion of audio	9
371.	Video clip # 16 from news video of incident, with deletion of audio	9

B. Exhibits Defendants Will Offer If Need Arises

Exhibit #	Description	Legal Objection (see legend) ¹
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Exhibit #	Description	Legal Objection (see legend) ¹
372.	Subpoena Documents and Plaintiff's Kaiser Permanente Mental Health Records, produced under subpoena (custodian declaration signed on March 20, 2015).	1
373.	Roger Clark's September 7, 2015, expert witness report	1
374.	Breffni Barrett's September 8, 2015, expert witness report	1
375.	Greg Meyer's Curriculum Vitae	1
376.	Dominick Addario, M.D.'s Curriculum Vitae	1
377.	Officer Christopher T. Stout's Statement of Departmental Experience (Curriculum Vitae)	1
378.	Greg Meyer's September 4, 2015 Expert Witness Report and all exhibits attached thereto	1
379.	Dominick Addario, M.D.'s September 1, 2015, Expert Witness Report and all exhibits attached thereto	1
380.	Dominick Addario, M.D.'s October 6, 2015, Supplemental/Rebuttal Expert Witness Report and all exhibits attached thereto	1
381.	Greg Meyer's October 7, 2015, Supplemental/Rebuttal Expert Witness Report and all exhibits attached thereto.	1
382.	Defendant California Highway Patrol's Interrogatories to Plaintiff (Set No. One) served on February 19, 2015	1

Exhibit #	Description	Legal Objection (see legend) ¹
383.	Plaintiff's Responses to Defendant California Highway Patrol's Interrogatories (Set No. One) (served on March 9, 2015.	1
384.	<u>Law Enforcement Guide for Emergency Operations</u> , California Office of Emergency Services, 2014 Edition	4, 5, 7, 8
385.	<u>Foundation for the Standardized Emergency Management System (SEMS)</u> , California Emergency Management Agency, 2010	4, 5, 7, 8
386.	California Highway Patrol Manual (HPM) 50.1, Chapter 2 "Emergency Incident Management and the Incident Command System" (also including annexes).	4, 5, 7, 8
387.	California Highway Patrol Manual (HPM) 70.6, Chapter 14, "Freeway Accident/Incident Procedures"	4, 5, 7, 8
388.	California Highway Patrol Manual (HPM) 70.6, Chapter 15 "Freeway Congestion"	4, 5, 7, 8
389.	<u>Best Practices for Emergency and Roadway Operations Safety in the Emergency Services</u> , International Association of Firefighters, Federal Emergency Management Agency, National Institute of Justice, 2010	4, 5, 7, 8
390.	<u>SEMS Guidelines, Standardized Emergency Management System</u> , California Emergency Management Agency, 2009	4, 5, 7, 8

Exhibit #	Description	Legal Objection (see legend) ¹
391.	<u>Best Practices in Traffic Incident Management</u> , Federal Highway Administration, United States Department of Transportation, 2010	4, 5, 7, 8
392.	U.S. Fire Administration <u>Traffic Incident Management Systems</u> , April 2008	4, 5, 7, 8
393.	Audio recording of Chula Vista Fire Department Dispatch Logs for February 4, 2014, incident – audio file CVCMD6F - Garcia	1
394.	Audio recording of Chula Vista Fire Department Dispatch Logs for February 4, 2014, incident – audio file CVDISP6B - Garcia	1
395.	Audio recording of Chula Vista Fire Department Dispatch Logs for February 4, 2014, incident – audio file CVTAC6G - Garcia	1
396.	Audio Recording of CHP Border Communication Center Dispatch Logs for February 4, 2014, incident.	1
397.	Caltrans Construction Photo 1	6, 8
398.	Caltrans Construction Photo 2	6, 8
399.	Caltrans Construction Photo 3	6, 8
400.	Caltrans Construction Photo 4	6, 8
401.	Caltrans Construction Photo 5	6, 8
402.	Caltrans Construction Photo 6	6, 8
403.	Caltrans Construction Photo 7	6, 8
404.	Caltrans Construction Photo 8	6, 8
405.	Caltrans Construction Photo 9	6, 8
406.	CHP CAD Incident Detail Report – Incident Number 140204BC00909	7, 8

Exhibit #	Description	Legal Objection (see legend) ¹
407.	SDMSE CADView – Incident Detail Report, Incident Number – CV14001832 (Chula Vista Fire Department CAD Log for February 4, 2014, incident).	7, 8
408.	February 18, 2014, 4:12 p.m. email from Matthias Hoang (American Medical Response) to Lieutenant Ruano (containing AMR dispatch log for February 4, 2014, incident 1401533).	1
409.	February 5, 2014, 7:51 a.m., email from Andrew Mathews to Darrell Roberts; Robert Nelson; cc John McLintock: Subject: I-805 Incident.	1
410.	CALTRANS Project Diagram – Attachment 14 to CIIT Report.	6, 8
411.	Subpoena documents and Plaintiff's employment records as obtained through subpoena, with custodian certifications of May 7, 2015	1
412.	Synced Audio/Video and written Transcript of Deposition of Eliazar Colunga	1
413.	Synced Audio/Video and written Transcript of Deposition of Sergeant Nicole Pacheco	1
414.	Synced Audio/Video and written Transcripts of Depositions of Sergio Flores	1
415.	RESERVED	
416.	RESERVED	
417.	RESERVED	

Exhibit #	Description	Legal Objection (see legend) ¹
418.	RESERVED	
419.	RESERVED	
420.	RESERVED	
421.	RESERVED	
422.	RESERVED	
423.	RESERVED	
424.	RESERVED	
425.	RESERVED	
426.	RESERVED	
427.	RESERVED	

Dated: February____, 2016 CASEY GERRY SCHENK
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